

An. Code, 1924, sec. 99. 1912, sec. 83. 1904, sec. 370. 1888, sec. 258. 1868, ch. 471, sec. 179. 1908, ch. 240, sec. 58.

105. If issues of fact be joined in such proceedings, the same shall stand for trial at such time as the court shall direct and shall be tried by a jury if either party desires it; otherwise they shall be heard and determined by the court. If from the findings of the jury or upon consideration or determination by the court, the court shall be of opinion that legal cause of forfeiture has been shown, and that the public interest requires that a forfeiture should be declared, a judgment of forfeiture shall be entered and the charter of the corporation shall thereby be annulled and vacated; and it shall be ousted of its corporate franchises; and the court shall thereupon appoint a receiver or receivers of the corporate estate and assets. The powers of such receivers and all the consequences of dissolution shall be such as are hereinabove conferred and provided by this article.

Upon a charter being annulled, held that the court would appoint receivers of the assets of the corporation as directed by sec. 370 of the Code of 1904. *State v. Easton*, etc., Club, 73 Md. 104.

Sec. 370 of the Code of 1904, referred to in holding an amendment of the charter of the Cumberland and Pennsylvania Railroad Company invalid. *State v. Cumberland*, etc., R. R. Co., 105 Md. 485.

See notes to sec. 104.

An. Code, 1924, sec. 100. 1912, sec. 84. 1904, sec. 371. 1888, sec. 259. 1868, ch. 471, sec. 180. 1908, ch. 240, sec. 59.

106. If the corporation shall neglect to plead within the times appointed and provided, the court shall proceed to hear the petition *ex parte*; and if a cause of forfeiture is shown, a judgment shall be entered as is provided in the preceding section.

See notes to sec. 104.

An. Code, 1924, sec. 101. 1912, sec. 85. 1904, sec. 372. 1888, sec. 260. 1868, ch. 471, sec. 181. 1908, ch. 240, sec. 60.

107. If the court upon a hearing, *ex parte* or otherwise shall be of opinion that legal cause of forfeiture has been shown, it may, nevertheless, in its discretion, before passing a final judgment, require the corporation within a time fixed to remedy the grievance complained of and may suspend the entry of a final judgment until the time so fixed, and may afterwards refuse to enter such judgment if the grievance has been remedied.

Suit under this section sustained in *Lawson et al. v. Clawson*, Daily Record, Dec. 12, 1939.

The application of sec. 372 of the Code of 1904, pointed out. *State v. Easton*, etc., Club, 73 Md. 104.

Sec. 372 of the Code of 1904 cited but not construed in *State v. Easton*, etc., Club, 72 Md. 299.

See notes to sec. 104.

An. Code, 1924, sec. 102. 1912, sec. 86. 1904, secs. 373 and 374. 1888, secs. 261 and 262. 1868, ch. 471, secs. 182 and 183. 1908, ch. 240, sec. 61.

108. The petition for forfeiture hereinabove mentioned shall be filed in the circuit court for the county or in the superior court of Baltimore City, according to the location of the principal office of the corporation. And from any final judgment or determination of the court in proceedings hereunder, either party may appeal to the court of appeals as provided by sections 73 and 74 of article 5 of the annotated code.

The right of appeal (under sec. 374 of the Code of 1904), upheld. *State v. Cumberland*, etc., R. R. Co., 105 Md. 490. Cf. *State v. Easton*, etc., Club, 72 Md. 298.

The right of removal does not exist in proceedings for the forfeiture of chartered franchises. *Bel Air*, etc., Club v. State, 74 Md. 300.

See notes to sec. 104.